

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

SIX SIS AG,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01195 (CGM)

STIPULATION AND ORDER

WHEREAS, on March 22, 2012, Irving H. Picard (the “Trustee”), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa-*lll*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff (“Madoff”) filed a complaint against Defendant SIX SIS AG (“SIX SIS”, and together with the Trustee, the “Parties”) seeking to recover avoidable transfers from BLMIS under section 550 of the Bankruptcy Code;

WHEREAS, the Trustee subsequently identified additional transfers from BLMIS that he seeks to recover from SIX SIS, and seeks to make certain other revisions to the existing complaint.

IT IS HEREBY STIPULATED AND AGREED by and between the Parties by the endorsement of their counsel below, that:

1. The Trustee will provide a proposed amended complaint to SIX SIS on or before **April 20, 2022**.
2. SIX SIS will indicate whether it consents to the Trustee filing the proposed amended complaint on or before **May 4, 2022**.
3. On or before **May 6, 2022**, either:
 - a. If SIX SIS consents to the Trustee filing the proposed amended complaint, the Trustee will file the amended complaint.
 - i. Defendant will answer, move or otherwise respond to the amended complaint on or before **July 1, 2022**. If SIX SIS files a motion to dismiss the complaint, such motion shall set forth any and all grounds for dismissal at the pleading stage.
 - ii. The Trustee will file any opposition to SIX SIS's motion on or before **September 1, 2022**.
 - iii. Defendants will file any reply brief in support of their motion on or before **October 3, 2022**.
 - b. If SIX SIS does not consent to the Trustee filing the proposed amended complaint, the Trustee will file his motion for leave to file an amended complaint.
 - i. SIX SIS will file any opposition to the Trustee's motion for leave to file an amended complaint on or before **July 1, 2022**.

ii. The Trustee will file any reply brief in support of his motion on or
before **August 8, 2022**.

4. In either case, the Parties reserve the right to seek oral argument on the motion.
5. The deadlines established by this Stipulation are without prejudice to either Party seeking future extensions of time.
6. Except as expressly set forth herein, the Parties reserve all rights and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.

Dated: April 12, 2022
New York, New York

/s/ David J. Sheehan
Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff*

**WINDELS MARX LANE &
MITTENDORF, LLP**

156 West 56th Street
New York, New York 10019
Telephone: (212) 237-1000
Facsimile: (212) 262-1215
Kim M. Longo
Email: klongo@windelsmarx.com

*Special Counsel for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff*

SO ORDERED.

/s/ Erin Valentine
Chaffetz Lindsey LLP

1700 Broadway
33rd Floor
New York, New York 10019
Telephone: (212) 257-6960
Facsimile: (212) 257-6950
Erin Valentine
Email: Erin.Valentine@chaffetzlindsey.com
Andreas Frischknecht
Email:
Andreas.Frischknecht@chaffetzlindsey.com

Attorneys for SIX SIS AG

**Dated: April 13, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**